

claimed: (Bottle) "Germ-Oil the Great Remedy for the Kidneys, Bladder and Stomach Troubles * * * remedies for old sores * * * For all pains about the body, Backache, Side-pleurisy * * * Toothache, Headache or any Neuralgia or Rheumatic Pains;" (large circular in carton containing 1 dozen bottles) "Directions For Rheumatism and Neuralgia * * * For Backache, Kidneys, Bladder * * * Blood Purifier * * * Sore on Man or Beast * * * For Worms * * * For Coughs * * * For Stomach Troubles * * * For Toothache, Headache, Earache or any Pain about the Head or Neck * * * For Private Disease or Lost Manhood;" (small circular in carton containing 1 dozen bottles) "Rheumatism."

On May 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18326. Misbranding of Athlophoros. U. S. v. 2 Dozen Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25542. I. S. No. 11665. S. No. 3792.)

Examination of a drug product, known as Athlophoros, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Athlophoros, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Athlophoros Co., from Pomfret Center, Conn., alleging that the article had been shipped from Pomfret Center, Conn., on or about March 18, 1930, and had been transported from the State of Connecticut into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 milliliters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded under section 7, paragraph 3, of the act as amended August 23, 1912, in that the following were statements regarding the curative or therapeutic effects of the said article: (Carton) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the Disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited from those who have used it, frank statements of their experience with the remedy, and we have received many thousand letters bearing grateful testimony to its wonderful curative powers;" (bottle) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache."

The charge recommended by this department was that the article was misbranded under section 8 of the act as amended, paragraph 3, in that the state-

ments from the carton and bottle labels and accompanying circular, above quoted, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The libel alleged that the article was further misbranded in that the statement on the label, "Athlophoros," was false and misleading.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18327. Misbranding of Athlophoros. U. S. v. 2 Dozen Bottles of Athlophoros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25561. I. S. No. 11667. S. No. 3819.)

Examination of a drug product, known as Athlophoros, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the shipment herein described, involving a quantity of the product located at San Francisco, Calif.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen bottles of Athlophoros, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Williams Manufacturing Co., Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about March 17, 1930, and had been transported from the State of Ohio into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium salicylate (14.5 grams per 100 milliliters), colchicine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded under section 7, paragraph 3 of the act as amended August 23, 1912, in that the following were statements regarding the curative or therapeutic effects of the said article: (Carton) "Remedy for Rheumatism, and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the Disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During Pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited from those who have used it, frank statements of their experience with the remedy, and we have received many thousand letters bearing grateful testimony to its wonderful curative powers;" (bottle) "Remedy for Rheumatism, and when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache."

The charge recommended by this department was that the article was misbranded under section 8 of the act as amended, paragraph 3, in that the statements from the carton and bottle labels and accompanying circular, above quoted, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The libel alleged that the article was further misbranded in that the statement on the label, "Athlophoros," was false and misleading.